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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,431	02/10/2004	Ming-Liang Lin	LINM3015/EM	1011
23364	7590	12/07/2005	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			STORMER, RUSSELL D	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/774,431	LIN, MING-LIANG
	Examiner	Art Unit
	Russell D. Stormer	3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 September 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Specification

1. The objection to the disclosure made in the previous office action concerning the term "Related Art" has been overcome by Applicant's arguments. Since the paragraph in question describes "conventional" wheel rims and refers to prior art patents, the term "related art" is understood to describe the prior art.
2. It should be noted that Applicant's comments on page 7 relating to this matter are not well-taken. Paragraph 5 of the previous office action did **not** attempt to require Applicant to include an "express identification or admission" that information included in the Background section is "prior art" as suggested by Applicant.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Woldring et al.

As shown in figures 2, 6, 7, and 8, the wheel assembly of Woldring et al comprises first and second wheel members 30 having a disc and rim portion 31 and including mounting holes 34, and side plates 20 comprising a disc and including

mounting holes 24, wherein the members are assembled and configured for mounting to a vehicle hub 40, with threaded fastener elements 14 passing through all of the mounting holes.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woldring et al in view of Schultz, Jr.

To use welds to join the discs and/or side plates would have been obvious as taught by Schultz, Jr. in order to build a more solid structure.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woldring et al in view of Hawley et al.

For the side plates 20 of Woldring et al to include an arcuate rim portion would have been obvious as taught by Hawley et al in order to strengthen the wheel at the rim. See figure 2 of Hawley which shows the arcuate portion of the side plate 10 as it joins the rim 12.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woldring et al in view of Eksergian.

It would have been obvious to provide the side plate with an annular shoulder around the mounting hole as taught by Eksergian in order to better align the mounting holes of the side plate and the disc.

Response to Arguments

9. Applicant's arguments filed September 26, 2005 have been fully considered but they are not persuasive.

Claim 1 does not claim the threaded fastening elements as mounting the wheel assembly to the hub. Claim 1, as amended, claims the wheel members to be "configured for mounting onto a vehicle hub with threaded fastening components passing through the primary mounting holes..." Woldring et al is configured for mounting onto the hub when the fasteners 14 are assembled through the holes in the wheel members and the side plates.

Applicant argues that claim 1 sets forth that the disc portions of the wheel members are joined to the wheel hub *by* threaded fasteners and Woldring et al does not show side plates fastened to a vehicle hub *by* threaded fasteners. See paragraph 1 of page 9 of the response filed September 26, 2005. In contrast, the term "by" does appear in claim 1 and there is no limitation that the threaded fasteners join the wheel assembly to the hub in any way.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show wheel assemblies having side plates and threaded fasteners.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (571) 272-6687. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12/02/05


RUSSELL D. STORMER
PRIMARY EXAMINER
12/2/05